

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 8016

BILL NUMBER: SB 486

DATE PREPARED: Feb 16, 2001

BILL AMENDED: Feb 15, 2001

SUBJECT: County Surveyors.

FISCAL ANALYST: Chris Baker

PHONE NUMBER: 232-9851

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: (Amended) This bill has the following provisions:

(A) Requires the County Surveyor to certify information to the Indiana Alcoholic Beverage Commission concerning a beer retailer permittee located outside the corporate limits of a city or town.

(B) Allows the Plan Commission or County executive to direct the County Surveyor to prepare the county road maps.

(C) Allows a county to adopt an ordinance assessing a monetary penalty for moving a monument without complying with state law or that is a part of the National Spatial Reference System.

(D) Prohibits the filing of a petition for establishing a drainage maintenance and repair district after June 30, 2001.

(E) Allows the County Surveyor to maintain tax maps and plats.

(F) Requires rather than allows the County Surveyor to attend the annual Purdue road school. Makes other changes regarding clearing ditch obstructions.

(G) Makes changes regarding the following: (1) Clearing ditch obstructions. (2) The drain maintenance fund. Allows the county executive to appoint the county surveyor or the county agricultural educator to an area plan commission. Allows the county drainage board to collect a drain assessment if the unencumbered balance of the fund is equal to or greater than four times the estimated cost of periodic maintenance of the drain if the board meets certain requirements including a public hearing. Makes other changes concerning county surveyors.

Effective Date: July 1, 2001; January 1, 2002.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: (Revised) (A) County Surveyors are already requested by the Alcoholic Beverage Commission to certify information regarding beer retailers located outside the corporate limits of a city or town. The provision places requests of this nature into statute.

(B) Counties may experience an increase in expenditures to pay for the County Surveyor's services in the preparation of road maps.

(E) The County Surveyor would be allowed to update annexation on the property tax records maintained in the Surveyor or Auditor's office. Additionally, the bill would require the County Surveyor to provide maintenance or replacement of worn maps and plats. Expenditures would not necessarily increase if the County Surveyors were already in the process of repairing or replacing these items.

(F) There is no charge to attend the Purdue road school. However, there would be an increase in expenditures due to travel and overnight accommodations, if required. A survey conducted by the Association of Indiana Counties indicates that out of 58 respondents, 40 County Surveyors have attended the Purdue road school.

(G) *Appointment of extra board member:* Additional expenditures could occur from the appointment of an extra member to a joint drainage board. Currently, a member of the County Drainage Board and each person employed by the board is paid at a rate equal to that provided by law for state employees for each mile necessarily traveled while performing the duties of the office. The county fiscal body may provide the members of the county executive who serve as members of the board with per diem for their services as members of the board, in an amount fixed by the county fiscal body for each day or major part of a day devoted to the work of the board. Each appointed freeholder member serving on the board is entitled to a per diem in an amount fixed by the county fiscal body for each day or major part of a day devoted to the work of the board.

Proportional Payment: Joint drainage board expenditures would be paid proportionately by counties representing the total land assessment allocated that the joint drainage board is overseeing or from the Joint Drain's Maintenance Fund. Expenditures from the establishment of the Fund would probably be minimal.

Public Hearing for alleged obstruction of a drain: The County Drainage Board would be required to provide notification by certified mail of any hearing being conducted as the result of a petition filed for alleged obstructions of a drain or natural surface watercourse. Rates for certified mail are as follows: \$1.90 for certification, \$0.34 first class postage (if mail weighs more than an ounce), and \$1.50 for certification card.

Public Hearing for unencumbered fund balances: The bill as amended would require CDBs to notify property owners that may be assessed of a public hearing by publishing the announcement of the hearing in a local newspaper. Additionally, not less than thirty nor more than forty days before the date of the hearing concerning the estimation of the unencumbered balance, the Board is required to mail a copy of the notice in a five (5) day return envelope to each owner named in the schedule of assessments.

Under P. L. 64-1995, basic publishing charges are by the line with squares of 250 ems. Before January 1,

1996, the rate was three dollars and thirty cents (\$3.30) per square for the first insertion in a newspaper or qualified publication plus one dollar and sixty-five cents (\$1.65) per square for each additional insertion in a newspaper or qualified publication. After December 31, 1995, and before December 31, 2005, a newspaper or qualified publication may, effective January 1, increase the basic charges by five percent (5%) more than the basic charges that were in effect during the previous year. However, the basic charges for the first insertion of a public notice in a newspaper or qualified publication may not exceed the lowest classified advertising rate charged to advertisers by the newspaper or qualified publication for comparable use of the same amount of space for other purposes. An additional charge of fifty percent (50%) is allowed for the publication of all public notice advertising containing rule or tabular work.

Explanation of Local Revenues: (C) The county would be allowed by ordinance to prescribe a monetary penalty for moving a monument without complying with state law or that is a part of the National Spatial Reference System. Local revenues could increase for a county adopting an ordinance under this provision.

(G) *Public Hearing for unencumbered fund balances:* Currently, if the County Maintenance Fund in any year has an unencumbered balance equal to or greater than four times the estimated annual cost of periodically maintaining the drain for which the fund was established, the annual assessment for the maintenance of the drain is omitted for that year.

As amended, the bill allows the County Drainage Board the option to collect the drain assessment even if the unencumbered balance of the maintenance fund is equal to or greater than four times the estimated annual cost of periodic maintenance of the drain given that the County Drainage Board:

- Conducts a public hearing.
- The Board estimates, during the public hearing, what the unencumbered balance would be as a multiple of the estimated annual cost of maintaining the drain periodically after collection of assessments planed by the Board.

However, if the Board estimates the collection of the intended total amount of assessments increases the unencumbered balance of the maintenance fund equaling or exceeding eight times the estimated annual cost of drain maintenance, the annual assessment would not be collected.

Revenue could increase if additional assessments are completed if the unencumbered balance of the fund is equal to or greater than four times the cost of maintenance yet less than eight times the cost of maintenance.

State Agencies Affected:

Local Agencies Affected: County Executives, County Legislative Bodies, County Surveyor's Office.

Information Sources: Travis Worl, Association of Indiana Counties, (317) 684-3710.